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August 2, 2019

By ECF and Overnight Mail

Honorable Stuart M. Bernstein
U.S. Bankruptcy Court for the Southern District of New York
One Bowling Green
New York, New York 10004

Re: Sama v. Mullaney, et al. (In re Wonderwork, Inc.), No. 18-ap-1873

Dear Judge Bernstein:

We represent Defendant Brian Mullaney ("Mullaney") in this adversary proceeding and write pursuant to the Order entered July 19, 2019 (ECF No. 50), concerning objections and cross-designations to the approximately 117 documents and transcript excerpts provided by Plaintiff with his letter to the Court, dated July 26, 2019 (ECF No. 55).¹

Mullaney objects and has no cross-designations because he does not understand the purpose of Plaintiff's 117 submissions. The Court has clearly stated that it would not be converting the respective Rule 12(b)(6) motions into motions for summary judgment. (June 27, 2019 Tr. at 94:10-11.) The vast majority of the documents Plaintiff is asking the Court to consider are not referenced in his Complaint and certainly are not "integral" to the Complaint. Accordingly, if those documents simply support the factual allegations in the Complaint, then they are evidence irrelevant to a motion to dismiss. Conversely, if they are intended somehow to supplement the allegations of the Complaint, then they simply underscore the deficiencies of the present Complaint that is the subject of the pending motions.

We continue to appreciate the Court's consideration of the pending motions.

Respectfully yours,

/s/

Bijan Amini

cc: counsel of record by ECF

¹ As he did with his own July 26 letter (ECF No. 54), Mullaney addresses only those matters relevant to his own Rule 12(b)(6) motion and reserves the rights with respect to other matters asserted by or against other Defendants should they become relevant to his defenses.